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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/535,342	05/18/2005	Francesco Ambrico	BEAUMONT-18	3907
45722	7590	06/07/2006	EXAMINER	
PLEVY & HOWARD, P.C. P.O. BOX 226 FORT WASHINGTON, PA 19034			KNOX, STEWART	
			ART UNIT	PAPER NUMBER
			3641	

DATE MAILED: 06/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/535,342	Applicant(s) AMBRICO, FRANCESCO	
	Examiner Stewart T. Knox	Art Unit 3641	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5,9 and 10 is/are rejected.
- 7) ☒ Claim(s) 6-8 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 May 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>3/27/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

2. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Where the written description only implicitly or inherently sets forth the structure, materials, or acts corresponding to a means-plus-function, applicant must clarify the disclosure to explicitly state, with reference to the terms and phrases of the claim element, what structure, materials, or acts perform the function recited in the claim elements and equivalents thereof. (See MPEP 2181). Correction of the following is required: applicant must clarify the disclosure to explicitly state, with reference to the terms and phrases of the claim element, what structure, materials, or acts perform means for blocking the slide, means for leading the gases, additional means for blocking the slide, and means for releasing the slide recited in the claim elements and equivalents thereof.

Drawings

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character “93” has been used to designate both means for blocking and additional means for blocking, in the claims. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 4, 5 and 9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

6. Claim 5 recites “a determined direction,” after a previous recitation of “a determined direction” in claim 1 from which this claim indirectly depends. It is unclear whether this is intended to refer to another direction, or the previously referred-to direction. Claim 9 refers to a “flexible tab (86, 88)” using the same reference characters as have been used previously to refer

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to “means for releasing.” Applicant is requested to clarify in the specification and claims if the flexible tab is intended to fulfill the role of “means for releasing.” Claim 4 recites a “shoulder (93)” using the same reference character as previously used for the “additional means for blocking.” Applicant is requested to clarify in the specification and claims if the shoulder is intended to fulfill the role of the “additional means for blocking.” The preceding list is considered exemplary and applicant should thoroughly review the claims for compliance. Appropriate clarification is required.

7. Claim 9 recites the limitation “the leg,” “the reinforcing piece,” and “the shoulder” in lines 3-4. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Karkau (5,361,524). Karkau discloses a system for projecting light elements in the air, comprising a casing (figures 1 and 2, elements 12 and 70) connected to a reservoir (containing 80) containing the light elements (80) and comprising an opening (40 through 78) extending along a determined direction, a slide (50) capable of sliding in the opening along the determined direction, a striker (fig. 3 elem. 90) arranged in the opening and fixed with respect to the opening, means (56) for sliding the slide in the opening comprising a helical spring with a first end connected to the

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casing and a second end connected to the slide wherein it is compressed in the arming position and released to slide the slide to the stop position, means (100, 101) for blocking the slide with respect to the casing in a stop position comprising a shoulder, a compressed gas cartridge (82) capable of being slid along with the slide (when the slide strikes the cartridge) and, when the slide is blocked in the stop position, of being projected against the striker to be opened by the striker (col. 3 lines 58-68, col. 4 lines 1-7), means (88) for leading the gases released on opening of the cartridge towards the reservoir, additional means (34) for blocking the slide with respect to the casing in an arming position in which the slide is more distant from the striker than in the stop position, and means (30) for releasing the slide to slide into the opening from the arming position.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 5 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Karkau as applied to claim 1 above, and further in view of Du (6,669,530). Karkau discloses the claimed invention except for a reinforcing piece and leg. Du teaches another means of releasing stored energy in a light elements projector, comprising a reinforcing piece (figure 5, element 17, to hold the slider, with a flexible tab—bottom end of 17) connected to the body by a leg (26) extending in a determined direction, the opening comprising a shoulder (at 23) capable of receiving the

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reinforcing piece to block the slide in the arming position, with the leg being deformable to release the reinforcing piece from the shoulder. This is presented as an alternate triggering mechanism for a light elements projector. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the light elements projector of Karkau to include the elements of the triggering mechanism of Du, since such a modification would provide the light elements projector with an equally valid alternative triggering mechanism.

12. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Karkau and Du as applied to claims 1 and 5 above, and further in view of Fegley (4,454,963). Karkau in combination with Du teaches the claimed invention except for a mobile arm and an electromagnet. Fegley teaches a gas-dispensing device with a cartridge (figure 5) that has means for deforming a leg (41) comprising a mobile arm (36) that can be actuated electromagnetically (col. 9 lines 1-5). Fegley does not explicitly state why the electromagnetically actuated mobile arm is used, but it appears that it is used to allow remote or automatically activated control of the device, or allow for precise timing control. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the projection system of Fegley and Du with the electromagnet and mobile arm of Fegley, since such a modification would provide the projection system with means for remotely, automatically, or precisely controlling the actuation of the system.

Allowable Subject Matter

13. Claims 6-8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

14. The following is a statement of reasons for the indication of allowable subject matter: the prior art of record neither discloses nor makes obvious a socket with a striker fastened thereto and at least one protrusion cooperating with the slide to place it in the arming position.

Conclusion


15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stewart T. Knox whose telephone number is (571) 272-8235. The examiner can normally be reached on Monday through Thursday, 8:00 AM to 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Carone can be reached on (571) 272-6873. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

STK


MICHELLE CLEMENT
PRIMARY EXAMINER